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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,312

12/29/2003

Juci-Mei Wang

7985

25859

7590

07/17/2008

WEI TE CHUNG

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EXAMINER

VETTER, DANIEL

ART UNIT

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3628

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/748,312

**Applicant(s)**

WANG, JUEI-MEI

**Examiner**

DANIEL P. VETTER

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Status of the Claims***

1. Claims 1-15 were previously pending. Claims 1 and 7 were amended, and claim 15 was canceled in the reply filed June 24, 2008. Claims 1-14 are currently pending in this application.

### ***Response to Arguments***

2. Applicant's arguments with have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 7-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claims 7-14 recite a series of steps. However, the steps are merely directed to "providing . . ." certain elements. The claims themselves never require the positive steps of "obtaining," "calculating", et al. to occur. Because doing nothing more than passively "providing" is an abstraction, it therefore falls within one of the judicial exceptions to patentability. In order for an abstract idea to be patent eligible, the limitations of the claim must set forth a practical application. A practical application results if the claimed invention transforms an article or physical object to a different state or thing; or if the claimed invention produces a useful, concrete, and tangible result. No transformation occurs, so any patentability of the claimed invention must be drawn from the existence of a useful, concrete, and tangible result. The method of claim 7 does not produce a tangible result because it only recites "providing" modules that themselves can be used to reach a result, but using the modules to reach such a "real-world"

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result is not required by the claim language. Accordingly, claim 7 is rejected as being directed to non-statutory subject matter. Claims 8-14 further limit how the provided modules may be used, but do not overcome the above deficiencies.

6. In order to overcome this rejection, examiner recommends removing the "providing" at the beginning each step, and moving the structural clauses to the end of each element (the first "providing" step is different in that it sets forth the environment in which the method takes place rather than an actual step, and does not fit within this same construction).

For example:

"providing a purchase data retrieval module installed in a web server for obtaining purchase data from the purchase management system, and storing the purchase data in a database . . . ."

Would instead read:

"obtaining purchase data from the purchase management system and storing the purchase data in a database, using a purchase data retrieval module installed in a web server . . . ."

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Shimizu, et al., U.S. Pat. Pub. No. 2003/0037014 (Reference A of the PTO-892 part of paper no. 20070401) in view of Zeif, U.S. Pat. Pub. No. 2003/0167238 (Reference A of the attached PTO-892).

9. As per claim 7, Shimizu discloses a computer-enabled method for integration of material costs for calculating material costs of a product based on

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purchase data, inventory data and material consumption data, the method comprising the steps of:

providing a database server connected to a purchase management system, an inventory management system, and a production management system via a network for data transmission there between (Shimizu: Fig. 2, "111" and "121"; Fig. 11A; ¶¶ 0103; 0105; 0170; examiner interprets server "111" and memory unit "121" to be a purchase management system, an inventory management system, and a production management system.);

providing a purchase data retrieval module installed in a web server for obtaining purchase data from the purchase management system, and storing the purchase data in a database (Shimizu: ¶¶ 0145-47)

providing a current period purchase costs calculation module installed in the web server for calculating unit purchase expenses and current purchase costs of a unit of each material based on the purchase data (Shimizu: ¶¶ 0183-87);

providing an inventory data retrieval module installed in the web server for obtaining inventory data from the inventory management system, and storing the inventory data in the database (Shimizu: ¶¶ 0145-0147; 0207-0209; 0225-0248; 0397-0401);

providing a historical purchase costs calculation module installed in the web sever for calculating historical purchase costs of a unit of each material based on the inventory data (Shimizu: ¶¶ 0183-0187; examiner interprets historical purchase costs to be any expense previously stored in one of the files.);

providing a material consumption data retrieval module installed in the web server for obtaining material consumption data from the production management system, and storing the material consumption data in the database (Shimizu: ¶¶ 0146; 0207-0209; 0225-0248; 0397-0401)

providing a material costs integration module installed in the web server for calculating costs of each material consumed in the product based on the

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material consumption data (Shimizu: ¶¶ 0183-0187; 0207-0209; 0225-0248; 0397-0401);

providing a purchase data summarizing module installed in the web server for summing up the costs of each material consumed in the product to obtain material costs of the product (Shimizu: ¶¶ 0186-0187; 0225-0248); and

the web server returning the material costs of the product to a client terminal of a company (Shimizu: ¶¶ 0103; 0211).

Shimizu does not teach that the calculating costs of each material is performed by consumption data by utilizing the formula  $C_{CM} = Q_{WM} * C_{UHP} / Q$ , wherein  $C_{CM}$  stands for the costs of each material consumed in the product,  $Q_{WM}$  stands for a quantity of consumed material,  $C_{UHP}$  stands for historical purchase costs of a unit of the material, and  $Q$  stands for production output; which is taught by Zeif (¶¶ 0160, 66). It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the above cost calculation of Zeif because this is merely a combination of old elements. In the combination each element would have served the same function as it did separately, and one skilled in the art would have recognized that the combination could be implemented through routine engineering producing only predictable results.

10. As per claim 8, Shimizu in view of Zeif discloses the method of claim 7 as described above. Shimizu further discloses the step of obtaining purchase data is performed by accessing the purchase management system (Shimizu: ¶¶ 0103, 105; the server obtains data from a storage device containing the data, which examiner interprets as a data management system (the purchase management system)).

11. As per claim 9, Shimizu in view of Zeif discloses the method of claim 7 as described above. Shimizu further discloses the step of obtaining inventory data is performed by accessing the inventory management system (Shimizu: ¶¶ 0103, 105; the server obtains data from a storage device containing the data, which examiner interprets as a data management system (the inventory management system)).

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12. As per claim 10, Shimizu in view of Zeif discloses the method of claim 7 as described above. Shimizu further discloses the step of obtaining material consumption data is performed by accessing the production management system (Shimizu: ¶¶ 0103, 105; the server obtains data from storage device containing the data, which examiner interprets as a data management system (production management system)).

13. As per claim 11, Shimizu in view of Zeif discloses the method of claim 7 as described above. Shimizu further discloses the following step after the step of obtaining purchase data and storing the purchase data in a database: summing up purchase data of each material in a current period. (Shimizu: ¶¶ 0186-87).

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu, et al. in view of Zeif as applied to claim 7 above, further in view of Greene, PRODUCTION AND INVENTORY CONTROL HANDBOOK, Third Edition, McGraw Hill, copyright 1997, pg. 27.6 (Reference U of the PTO-892 part of paper no. 20080503).

15. As per claim 12, Shimizu in view of Zeif discloses the method of claim 7 as described above. Shimizu does not explicitly teach wherein calculating unit purchase expenses of a unit of each material is performed by utilizing the formula  $E_{UP}=E_{TP}/Q_{TP}$  where  $E_{UP}$  stands for the unit purchase expenses,  $E_{TP}$  stands for total purchase expenses, and  $Q_{TP}$  stands for total purchase quantity. Greene teaches the determination of the average cost per unit produced of a product wherein (average cost per unit of production) = (total manufacturing costs) / (equivalent units of production) (pg. 27.6, Table 27.3, "Example of Process Costing"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Shimizu in view of Zeif to have included the cost calculation of Greene because this is merely a combination of old elements. In the combination each element would have served the same function as it did separately, and one skilled in the art would

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have recognized that the combination could be implemented through routine engineering producing only predictable results.

16. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu, et al. in view of Zeif as applied to claim 7 above, further in view of Suzuki, et al., U.S. Publication No. 2001/0023418 (Reference A of the PTO-892 part of paper no. 20080503).

17. As per claim 13, Shimizu in view of Zeif discloses the method of claim 7 as described above. Shimizu does not explicitly teach wherein calculating current purchase costs of a unit of each material is performed by utilizing the formula  $C_{UP} = E_{UP} + (E_{TV}/Q_{TP})$ , where  $C_{UP}$  stands for the current purchase costs,  $E_{UP}$  stands for the unit purchase expenses,  $E_{TV}$  stands for total purchase value, and  $Q_{TP}$  stands for total purchase quantity. Suzuki teaches the calculation of a unit cost (purchase costs of a unit) wherein (product unit cost) = (material cost) + (processing cost) + (die cost) (§ 0035). It is noted that the product unit cost formula is simply the sum of a set of costs that take into account all relevant cost parameters. One skilled in the art would recognize that the number and type of parameters/values used to calculate the product unit cost may vary depending on the product and manufacturing process. Furthermore, it is within the knowledge and capabilities of one skilled in the art to modify the well known product unit cost formula of Suzuki to derive applicant's current purchase cost formula. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Shimizu in view of Zeif to have included the cost calculation of Suzuki because this is merely a combination of old elements. In the combination each element would have served the same function as it did separately, and one skilled in the art would have recognized that the combination could be implemented through routine engineering producing only predictable results.



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***Allowable Subject Matter***

18. Claims 1-6 are allowed.
19. Claims 7-13 would be allowable if claim 7 incorporated the subject matter of claim 14, and if the claims were amended to recite statutory subject matter in the manner indicated above.

***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Igor N. Borissov/  
Primary Examiner, Art Unit 3628